

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA  
COURT FILE NO.: 14-cv-5090**

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Danny Earl Brown,

Plaintiff,

v.

**COMPLAINT**

First Advantage Background Services  
Corp.,

**WITH JURY TRIAL DEMAND**

Defendant.

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**INTRODUCTION**

1. Plaintiff Danny Earl Brown, brings this action under the Fair Credit Reporting Act, 15 U.S.C. § 1681, et seq. (“FCRA”), to secure redress for the failure of Defendant First Advantage Background Services Corp. to follow reasonable procedures to ensure the maximum possible accuracy of the background checks it provided to prospective employers which has caused Plaintiff to suffer lost employment opportunities and substantial emotional distress. Plaintiff seeks statutory, actual and punitive damages in addition to his attorney’s fees and costs.

**PARTIES**

2. Plaintiff Danny Earl Brown (“Plaintiff”) is a resident of the State of Minnesota, City of Saint Paul, County of Ramsey and is a “consumer” as that term is defined by 15 U.S.C. § 1681a(3).
3. That Danny Earl Brown is the legal name of Plaintiff and the name given to

employers from whom he sought employment.

4. Defendant First Advantage Background Services Corp. (“Defendant” or “First Advantage”) is a corporation with a principal place of business at 1 Concourse Parkway NE, Atlanta, GA 30328. It does business in Minnesota and has a registered agent of service of Corporation Service Company, 380 Jackson Street, Suite 700, St. Paul, MN 55101. Defendant First Advantage is a “consumer reporting agency” as defined by 15 U.S.C. § 1681a(f) of the FCRA, regularly engaged in the business of assembling, evaluating, and dispersing information concerning consumers for the purpose of furnishing consumer reports, as defined in 15 U.S.C. § 1681a(d)(1)(B) of the FCRA, to third parties.

### **JURISDICTION**

5. The Court has jurisdiction of this matter under 28 U.S.C. § 1331 and 15 U.S.C. § 1681 et seq.
6. Venue is proper in the District of Minnesota because the claim arose in that judicial district. *See* 28 U.S.C. § 1391(b).

### **FACTUAL ALLEGATIONS**

7. Plaintiff, due to a previous erroneous background checks, engaged the Minnesota Department of Public Safety and its Bureau of Criminal Apprehension (“BCA”) in an examination and underwent a thorough analysis of who he really was, his criminal background including a finger print check to clear his name of the negative experience(s) and confusion(s).
8. On or about January 12, 2010, the Minnesota BCA determined that Danny Earl

Brown was not the subject for the records listed for Daniel Earl Brown and was not the subject of any criminal history recorded maintained by the BCA.

9. In 2014, Plaintiff applied for a job with the United Parcel Service (“UPS”) and received a job offer as general labor at its West Region 03-56 office located at 3312 Broadway Street, Minneapolis, MN 55413 contingent on a background check.
10. In November of 2014, UPS ordered a background check from Defendant.
11. On or about November 30, 2014, Defendant provided UPS with a background check report on Plaintiff Danny Brown which also included the name Daniel Earl Brown and Daniel Earl Brown’s Misdemeanor convictions and a Felony conviction which caused Plaintiff to fail the UPS “background” check produced by Defendant.
12. That Defendant’s background report provided to UPS included information regarding a DANIEL EARL BROWN in violation of the FCRA.
13. Defendant’s report issued to UPS contained numerous errors, in violation of 15 U.S.C. § 1681e(b).

### **COUNT I.**

#### **VIOLATION OF THE FAIR CREDIT REPORTING ACT –**

#### **15 U.S.C. § 1681 et seq.**

14. Plaintiff incorporates by reference all preceding paragraphs as though fully stated herein.
15. At all times pertinent hereto, the background report Defendant provided to UPS on

Plaintiff Danny Earl Brown is a “consumer report” as that term is defined by 15 U.S.C. § 1681a(d)(1).

16. Defendant failed to provide a complete and accurate background report to UPS, in November of 2014, on Plaintiff Danny Earl Brown.
17. The background report produced by Defendant and provided to UPS contained a name of Daniel Earl Brown, a name, that Plaintiff has never used or been known by.
18. The background report produced by Defendant and provided to UPS contained negative information regarding the name Daniel Ear Brown that did not belong to Plaintiff.
19. Defendant failed to follow reasonable procedures to assure the maximum possible accuracy of the information and file it maintained regarding Plaintiff, in violation of 15 U.S.C. § 1681e(b).
20. Defendant willfully and negligently failed to employ strict procedures to ensure that background information is complete and up to date, in violation of 15 U.S.C § 1681a(d)(1)(2).
21. In the alternative, Defendant’s conduct, actions, and inactions were negligent, rendering it liable for damages in an amount to be determined at trial pursuant to 15 U.S.C. § 1681o.
22. Defendant’s conduct, actions, and inactions were willful, rendering it liable for punitive damages in an amount to be determined at trial pursuant to 15 U.S.C § 1681n.
23. Plaintiff is entitled to recover attorney’s fees and costs from Defendant in an amount

to be determined by the Court pursuant to 15 U.S.C. §§ 1681n and/or 1681o.

**JURY TRIAL DEMANDED**

24. Plaintiff demands a trial by jury on each and every claim to which he is so entitled.

**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff prays that this Court enter judgment in his favor and against Defendant and award him:

- a. Monetary damages to compensate him for his lost wages and emotional distress pursuant to 15 U.S.C. § 1681n(a);
- b. Punitive damages to deter such willful conduct in the future 15 U.S.C. § 1681n(a)(2);
- c. Costs and reasonable attorney's fees pursuant to 15 U.S.C. §§ 1681n and 1681o; and
- d. Such other or further relief as the Court deems just.

Dated this 29<sup>th</sup> day of December, 2014.

Respectfully submitted,

By: s/Thomas J. Lyons  
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**ATTORNEY FOR PLAINTIFF**

VERIFICATION OF COMPLAINT AND CERTIFICATION BY PLAINTIFF

STATE OF MINNESOTA )  
 ) ss.  
COUNTY OF RAMSEY )

DANNY EARL BROWN, having first been duly sworn and upon oath, deposes and says as follows:

1. I am a Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorney and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification, or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant, cause unnecessary delay to any Defendant, or create a needless increase in the cost of litigation to any Defendant, named in the Complaint.
5. I have filed this civil Complaint in good faith and solely for the purposes set forth in it.

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DANNY EARL BROWN

Subscribed and sworn to before me  
this 29<sup>th</sup> day of December, 2014.

s/Thomas J. Lyons  
Notary Public Expires 01/31/2020